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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,421

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Robertus Albertus Brondijk

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BUTCHER, BRIAN M

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

04/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,421	Applicant(s) BRONDIJK, ROBERTUS ALBERTUS	
	Examiner BRIAN BUTCHER	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 3, 5 - 7, 9 - 10, and 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (United States Patent Application Publication US 2005/0013216 A1), hereinafter referenced as Kim.

Regarding **claim 1**, Kim discloses a "Method of recording information . . . said record carrier comprising at least two information layers" (paragraph [0034], figure 7), "each of said information layers comprising . . . and an outer control information area" (paragraph [0027], figure 4), "a first recording step . . . a first of said at least two information layers" (paragraph [0040], figure 7 item S17), "a subsequent second recording step. . . a second of said at least two information layers" (paragraph [0041], figure 7 item S20), "a subsequent finalization step . . . of said first and second information layers" (paragraph [0044], lines 3 - 7), and "characterized in that the method . . . and in that the initialization step is located in time before the recording step" (paragraph [0042]). Notice that the writing of information patterns representing control information for layer 2 must occur before the VDR can consult the memory (which

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stores the control information read earlier for layer 2) and begin reading/writing to layer 2. Therefore, it would have been obvious to one having ordinary skill in the art that an initialization step in which control information is written into a control area of layer 2 is positioned in time before the recording of layer 2 because one would want to ensure reading/writing can be performed to layer 2.

Regarding **claim 2**, Kim discloses everything claimed as applied above (see claim 1), in addition, Kim discloses that lead-out area of layer 2 is designated for the writing of PIC data which contains at least optical power control related data (paragraph [0028])

Regarding **claim 3**, Kim discloses everything claimed as applied above (see claim 1), in addition, Kim discloses that if a read/write operation is requested for layer 1 the VDR searches the memory which contains control information for both layers that is read beforehand (paragraph [0038] and paragraph [0036] (Notice that the lead-in area of layer 1 and the lead-out area of layer 2 are recorded with control information before the information is recorded to memory and operation are performed on either layer 1 or layer 2).

Regarding **claim 5**, Kim discloses everything claimed as applied above (see claim 1), specifically see the argument of claim 1 and notice that the method of Kim is performed by a video disk recorder (VDR). In addition, Kim discloses a "writing means . . . in the information layers" (paragraph [0033], lines 3 - 6, figure 6, item 50), "positioning means . . . a first or a second of said at least two information layers" (paragraph [0046], lines 1 - 3 (Notice that there has to be some form of actuator because the optical pickup

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50 is moved between layers.)), and a "control means for controlling the writing means and the positioning means" (paragraph [0033], line 6, figure 6, item 51 (Notice that the 'VDR System' controls the operation of the VDR.)).

Regarding **claim 6**, Kim discloses everything claimed as applied above (see claim 1), in addition, Kim discloses that the lead-in area of layer 1 and the lead-out area of layer 2 contain the same optical power related data for both recording layers (paragraph [0028] (Notice that in order for the lead-out area of the layer 2 to contain power related data of layer 1, initialization of layer 2 must be performed at a time after recording is performed in layer 1 to derive the power related setup data.)).

Regarding **claim 7**, Kim discloses everything claimed as applied above (see claims 5 and 6), specifically, see the argument of claim 6 and notice that method of Kim is performed by a video disk recorder (VDR).

Regarding **claim 9**, Kim discloses everything claimed as applied above (see claims 1 and 6), specifically, see the argument of claim 1 concerning Kim's disclosure of a method of recording and see the argument of claim 6 concerning the initialization of layer 2 being performed at a time after recording is performed in layer 1 in order to derive the power related setup data.

Regarding **claim 10**, Kim discloses everything claimed as applied above (see claim 9), in addition, Kim discloses that the control area is directly adjacent to the data area of layer 2 (see figure 4 and notice the proximity of the lead-out area to the data area of layer 2).

Regarding **claim 12**, Kim discloses everything claimed as applied above (see claim 9), specifically see the argument of claim 9 and notice that the method of Kim is performed by a video disk recorder (VDR).

Regarding **claim 13**, Kim discloses everything claimed as applied above (see claim 10), specifically see the argument of claim 10 and notice that the method of Kim is performed by a video disk recorder (VDR).

Claims 4, 8, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, in view of Ueki (United States Patent US 6,678,236), hereinafter referenced as Ueki.

Regarding **claims 4, 8, 11, and 14**, Kim discloses everything claimed as applied above (see claims 1, 5, 9, and 12), however, Kim fails to disclose that the amount of information patterns representing control information corresponds to one ECC block of information.

In a similar field of endeavor Ueki discloses a method and apparatus for recording and reproducing information in which a recording medium has a lead-in area which stores lead-in information in units of predetermined error correction blocks (column 2, lines 61 – 64).

Therefore, it would have been obvious to one having ordinary skill in the art to modify the optical disk recording method and apparatus of Kim by specifically using the teachings in Ueki to include writing control information in the amount of ECC blocks

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because one would want to group the control information into familiar units such as ECC blocks.

Response to Arguments

Applicant's arguments filed on 01/14/2009 with respect to claims 1 - 14 have been fully considered and are persuasive. In response, the original rejections are withdrawn and new rejections have been entered.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN BUTCHER whose telephone number is (571)270-5575. The examiner can normally be reached on Monday – Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young, can be reached at (571) 272 - 7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BMB/

April 21, 2009

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627

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